2340.

SUPREME COURT OF THE UNITED STATES.

No. 194.

THE PRESIDENT AND DIRECTORS OF THE BANK OF THE STATE OF ALABAMA, PL'FFS IN ERROR,

vs.

ROBERT H. DALTON.

IN ERROR TO THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

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Exemplification.

The BANK OF THE STATE OF ALABAMA
vs.
ROBERT H. DALTON. } 1499.

Pleas had at a district court of the United States for the northern district of Mississippi, began and held at the town of Pontotoc in said district, on the first Monday of December, A. D. 1846—

Present, the Hon. Samuel J. Gholson, judge thereof.

Be it remembered, that on the 10th day of November, A. D. 1846, the President and Directors of the Bank of the State of Alabama, the stockholders and corporators of which are citizens of the State of Alabama, sued out of the office of the clerk of the district court of the United States, for the northern district of Mississippi, their certain summons, in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Mississippi, ss:

The President of the United States, to the marshal of the northern district of Mississippi, greeting:

We command you, without delay, to summon Robert H. Dalton, who is a citizen of the northern district of the State of Mississippi, that he be and appear before the district court of the United States to be held at the town of Pontotoc, in and for the northern district of Mississippi, on the first Monday of December next, to answer to the President and Directors of the Bank of the State of Alabama, the stockholders and corporators of which are citizens of the State of Alabama, of a plea of debt that he render unto the said bank the sum of nineteen hundred and fifty-four dollars and fifty-eight cents, *cents*, which to the said bank he owes, and from it he unjustly detains, to the damage of the said bank of $1,000, and that he do file his plea or defence with the clerk of said court on or before the meeting of the same, or judgment will be given against him by default, and have then there this writ.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, the first Monday of June, A. D. 1846, and 70th year of the independence of the United States.

Issued the 10th day of November, 1846.

G. M. RAGSDALE, *Clerk*.

Which said summons was endorsed as follows, to wit:

This is an action of debt, brought by the plaintiff to recover the amount of a judgment obtained by the plaintiff against the defendant in the county court of Tuscaloosa county, Alabama, on the 7th day of February, 1843, with costs. The sum actually demanded in this ac-

tion is the sum of $1,954 58 cents, the amount of said recovery, with interest thereon.

DAVIS, ACKER & GOODWIN,
Atty's for plaintiff.

Upon which said summons the marshal made the following return, to wit: Received and executed the same day issued.

ANDREW A. KINCANNON, *Marshal.*

Marshal's fees—

Ent., ent. and ret.,	$2 50
Mileage	2 25
	$4 75

At the time of issuing said summons the plaintiff filed *its* declaration, in the words and figures following, to wit:

United States of America, in the district court of the United States for the northern district of Mississippi.

The President and Directors of the Bank of the State of Alabama, the stockholders and corporators whereof are citizens of the State of Alabama, by attorney, complains of Robert H. Dalton, who is a citizen of the northern district of Mississippi, in custody of the marshal, &c., of a plea of debt, that he render them the sum of nineteen hundred and fifty-four dollars and fifty-eight cents, which to them he owes, and from them he unjustly detains.

For that whereas the said plaintiff heretofore, to wit, in the February term, A. D. 1843, of the county court of Tuscaloosa county, and State of Alabama, before A. B. Meek, judge of said court, by the consideration and judgment of said court recovered against the said defendant, as well a certain debt of eighteen hundred and forty-four dollars as also one hundred and ten dollars fifty-eight [cents,] which in and by the said court were then and there adjudged to the said plaintiffs for their damages which they had sustained, as well by reason of the detention of said debt, as for their costs and charges by them about their suit in that behalf expended, whereof the said defendant was convicted, as by the record and proceedings thereof remaining in the said county court of Tuscaloosa county, Alabama, more fully appears; which said judgment still remains in full force and effect, not reversed, satisfied, or otherwise vacated; and the said plaintiffs have not obtained any execution or satisfaction of or upon the said judgment so recovered as aforesaid, whereby an action hath accrued to the said plaintiffs to demand and have, of and from the said defendant, the said sum of nineteen hundred and fifty-four dollars and fifty-eight cents above demanded.

Yet the said defendant, although often requested so to do, hath not as yet paid the said plaintiff the said sum of money above demanded, or any part thereof, but to pay the same hath hitherto wholly neglected, failed, and refused, and still doth neglect, fail, and refuse so to do, to

the damage of the said plaintiffs of dollars, and therefore they sue, &c.

DAVIS, ACKER & GOODWIN,
Attys. for the plffs.

Transcript sued on, in the words and figures following, to wit:

Pleas.

THE STATE OF ALABAMA:

Pleas at the February term of the county court of Tuscaloosa county, began and held on the first Monday in February, in the year of our Lord one thousand eight hundred and forty-three, before the honorable A. B. Meek, judge of said court.

The PRESIDENT and DIRECTORS of the Bank of the State of Alabama, plaintiffs,
vs.
ROBERT H. DALTON, defendant.

Be it remembered, that heretofore, to wit, that is to say, on the first Monday in February, in the year of our Lord one thousand eight hundred and forty-three, the President and Directors of the Bank of the State of Alabama, by their attorney, B. F. Porter, esq., filed in this office a notice, in the following words and figures, to wit:

Notice.

THE STATE OF ALABAMA, *Tuscaloosa county:*

To any sheriff of the State of Alabama.

You will serve and return this notice to Alexander Henderson, James Wallace, Robert H. Dalton.

Whereas you are indebted to the President and Directors of the Bank of the State of Alabama, by a note, being an instrument for the payment of money, executed by you as makers, the said Alexander Henderson as principal, and you, the said James Wallace and Robert H. Dalton, as securities, which note was discounted by said bank on the 16th July, in the year one thousand eight hundred and forty-one, for the sum of eighteen hundred and forty-four dollars, dated 1st June, 1841, made payable to the President and Directors of the Bank of the State of Alabama, and payable and negotiable at the said bank for value received, twelve months after the date; which note is due and unpaid, and is really, bona fide, the property of said bank. Now, you will take notice that I, the undersigned president of the Bank of the State of Alabama, for and in the name and behalf of the President and Directors of the Bank of the State of Alabama, will move the county court of Tuscaloosa county at the next term thereof, to be holden for said county at the court-house thereof on the first Monday in February next, for judgment against you, and each of you, for the amount of money due and unpaid on said note, together with the interest which shall have lawfully accrued thereon.

Witness my hand, and the seal of said corporation, this first day of September, A. D. one thousand eight hundred and forty-two.

JNO. MARRAST,
Prest. of the Bank of the State of Alabama.

I, John Marrast, president of the Bank of the State of Alabama, do certify, that the note specified in the annexed notice, and set out and described therein, is, and was at the time of the issuance of the above notice, a debt really, bona fide, the property of the Bank of the State of Alabama, the above named corporation.

Witness my hand, this 6th day of February, 1843.

JNO. MARRAST,
Prest. of the Bank of the State of Alabama.

Sheriff's return on notice.

Upon which said notice the sheriff of Sumter county made the following endorsement, to wit: Executed on defendant on the 23d day of December, 1842.

M. E. GARY, *S. S. C.*
By RF. HOUSTON, *D. S.*

And afterwards, at the term last aforesaid—

The PRESIDENT and DIRECTORS of the Bank of the State of Alabama,
versus
ROBERT H. DALTON.

This day came the Bank of the State of Alabama, by its attorney, and produced in court here a note of hand, payable to the President and Directors of the Bank of the State of Alabama, in the following words and figures, to wit:

Note.

SUMTER COUNTY, *June 1st*, 1841.

Twelve months after date, we, Alexander Henderson, as principal, and James Wallace and Robert H. Dalton, as securities, promise, jointly and severally, to pay to the President and Directors of the Bank of the State of Alabama, or order, the sum of eighteen hundred and forty-four dollars, negotiable and payable at said bank, for value received.

A. HENDERSON,
JAMES WALLACE,
R. H. DALTON.

Taken July 16th, 1841.

Motion.

And the said attorney having produced the certificate of John Marrast, president of said bank, that the debt due and owing in and by the above described note, set out and described in said notice, and here produced and identified to the court, is really, bona fide, the property of said bank, moved the court for judgment in favor of the President and Directors of the Bank of the State of Alabama against the said

Robert H. Dalton, for the sum of eighteen hundred and forty-four dollars, with interest at per cent. thereon from the 1st June, 1842. And it appearing to the satisfaction of the court, that said Robert H. Dalton *have* had notice of said motion thirty days before the making of the same, by a notice under the seal of the President and Directors of said bank—

Judgment.

And it also appearing to the satisfaction of the court that said debt is due and unpaid, and the sum of eighteen hundred and forty-four dollars due thereon, it is therefore considered by the court, that the President and Directors of the Bank of the State of Alabama recover against the said Robert H. Dalton the sum of eighteen hundred and forty-four dollars, the debt aforesaid, and the sum of one hundred and one dollars and twenty-one cents damages, by way of interest, occasioned by the detention of said debt, together with their costs by them about their suit in this behalf expended.

And that heretofore, to wit, on the first day of March, one thousand eight hundred and forty-three, issued from the clerk's office of Tuscaloosa county a writ in the following words and figures, to wit:

THE STATE OF ALABAMA, *Tuscaloosa county:*

To any sheriff of the State of Alabama, greeting:

We command you, that of the goods and chattels, lands and tenements, of Robert H. Dalton, defendant, late of your county, you cause to be made the sum of eighteen hundred and forty-four dollars and cents, which the President and Directors of the Bank of the State of Alabama, plaintiffs, lately in our county court have recovered against him for debt; also the sum of one hundred and one dollars and twenty-one cents, which to the said President and Directors of the Bank of the State of Alabama in the same court were adjudged for their damages, by reason of the detention of the said debt, and also their cost in that behalf expended, whereof the said defendant is convicted, as appears to us of record; and that you have the said moneys before the judge of our said court on the third Monday in July next, to render to the said President and Directors of the Bank of the State of Alabama *of* their debt, damages, and cost aforesaid; and have you then and there this writ.

Witness Moses McGuire, clerk of said court, at office at Tuscaloosa court-house, the first day of March, in the year of our Lord one thousand eight hundred and forty-three, and in the sixty-seventh year of the sovereignty and independence of the United States.

MOSES McGUIRE, *Clerk*.

Judgment 7 February, 1843.

Debt - - - - -	$1,844 00	
Damages - - - - -	101 21	
		$1,945 21

Interest from judgment.

Clerk's fees—	
Docketing cause	$0 12½
Entering sheriff's return	12½
Entering appearance of parties	12½
Filing notice and certificate	12½
Trial, swearing jury, and recording verdict	62½
Entering up judgment	18¾
Making complete record	1 18¾
Taxing cost 25, copy thereof 25	50
Execution and recording return	50
Issuing alias execution, and copy bill of cost.	
Recording satisfaction of judgment	12½
	$3 62
Judge's fee	$2 00
Attorney's fee, (porter.)	
Sheriff, Sumter, serving notice	50
Entering and returning	25

Sheriff's return on fi. fa.

Upon which said writ the sheriff of Sumter county made the following return, to wit: Received 6th April, 1843; no property found in my county July 3d, 1843.

M. E. GARY, *S. S. C.*
By RF. HOUSTON, *D. S.*

And on the 9th August, 1844, an alias execution issued, returnable to December term of said court, 1844, which said execution has not been returned; and also another execution issued on the 7th November, 1844, returnable December term, 1844, and not returned. And on the 7th August, 1846, an alias pluries issued, of which the following is a copy:

Alias pluries.

THE STATE OF ALABAMA, *Tuscaloosa county:*

To any sheriff of the State of Alabama, greeting:

We command you, that of the goods and chattels, lands and tenements, of Robert H. Dalton, defendant, late of your county, you cause to be made the sum of eighteen hundred and forty-four dollars and cents, which the President and Directors of the Bank of the State of Alabama, plaintiffs, lately in our county court have recovered against him for debt; also the sum of one hundred and one dollars and twenty-one cents, which to the said President and Directors of the Bank of the State of Alabama in the same court were adjudged for their damages, by reason of the detention of said debt, and also their cost in that behalf expended, whereof the said defendant is convicted, as appears to us of record, and that you have the said money before the judge on the 2nd Monday in December next, to render to the said President and Direc-

tors of the Bank of the State of Alabama *of* their debt, damages, and costs aforesaid; and have you then and there this writ.

Witness Robert P. Blount, clerk of said court, at office, at Tuscaloosa court-house, the 7th day of August, in the year of our Lord one thousand eight hundred and forty-six, and in the seventy-first year of the sovereignty and independence of the United States.

ROBERT P. BLOUNT, *Clerk*.

Sheriff's return on alias fi. fa.

Upon said execution there is no endorsement.

Judgment 7th February, 1843.

Debt - - -	$1,844 00	
Damages - - -	101 21	
		$1,945 21
Interest from judgment - -		
Clerk's fees - - - - -		$6 62
Judge's fees - - - - -		2 00
County tax - - - - -		
Attorney - - - - -		
Sheriff, Sumter - - - -		50
Sheriff, Sumter, E. & R. - - -		25

Attest: ROBERT P. BLOUNT, *Clerk*.

Clerk's certificate.

THE STATE OF ALABAMA, *Tuscaloosa county:*

I, Robert P. Blount, clerk of the county court for said county, hereby certify, that the foregoing contains a full and complete transcript of the record and proceedings of a certain suit, determined at the February term of the county court, A. D. 1843, wherein the President and Directors of the Bank of the State of Alabama are plaintiffs, and Robert H. Dalton is defendant.

Given under my hand, and seal of office, at office, at Tuscaloosa court-house, the seventeenth day of September, A. D. 1846.

[L. S.]

ROBERT P. BLOUNT, *Clerk*.

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EXECUTIVE DEPARTMENT, *Tuscaloosa, Alabama.*

I, Joshua L. Martin, Governor of the State of Alabama, do hereby declare and make known, to all persons whom it may concern, that Robert P. Blount, whose signature appears to the foregoing certificate, was, at the time of signing the same, and at the date thereof, the clerk of the county court of the county of Tuscaloosa, and that full faith and credit are due to all his attestations as such.

In testimony whereof I have hereunto set my hand and seal, and caused the seal of the State to be affixed, at Tuscaloosa, the 25th day of September, A. D. 1846, and of the independence of the United States of America the 71st.

By the Governor: J. L. MARTIN.

JO. GARRETT, *Secretary of State*.

Defendant's pleas to plaintiffs' declaration, filed December 9th, 1846, in the words and figures following, to wit:

The United States of America, district court for the northern district of the State of Mississippi, December term, 1846.

PRESIDENT and DIRECTORS of Bank of Alabama,
vs.
R. H. DALTON.

And the said defendant, by his attorneys, comes and defends the wrong and injury, when, &c., and for plea says, that the said plaintiff *his* action aforesaid ought not to have or maintain against him, because he says that the said judgment upon which this suit is founded, was obtained in a court out of the limits of the State of Mississippi, to wit, the county court of the county of Tuscaloosa, in the State of Alabama, and was rendered up against said defendant on the 7th day of February, 1843, and was then and there, on that day, in full force and effect in said court.

And defendant further says, that by an act of the legislature of the State of Mississippi, entitled "An act to amend the several acts of limitations," approved on the 24th day of February, 1844, it is enacted and declared, upon judgments obtained in any court out of the limits of this State, actions shall be commenced within two years after the passage of the said act, and not afterwards; and that this action was not commenced by this plaintiff until the two years had expired, within which the said plaintiff was required to bring his suit as aforesaid, and this he is ready to verify; wherefore he prays judgment, if the said plaintiff ought to have or maintain his aforesaid action against him, &c.

LINDSEY & COPP,
For defendant.

And for further plea in this behalf defendant says, that the said plaintiff ought not to have or maintain his aforesaid action against him, because he says that said supposed cause of action, in said declaration mentioned, did not accrue to said plaintiff at any time within ten years before the commencement of this suit, in manner and form as the said plaintiff hath above complained against said defendant, and this he is ready to verify; wherefore he prays judgment, &c.

LINDSEY & COPP,
For defendant.

And for further plea in this behalf the said defendant says, actio non, because he says that the judgment upon which this action is founded was obtained in a court out of the limits of the State of Mississippi, to wit, the county court of the county of Tuscaloosa, and State of Alabama, on the seventh day of February, 1843, and that the said supposed cause of action upon the same, in the said declaration mentioned, did not accrue to the said plaintiff within two years before the commencement of this suit, in manner and form as the said plaintiff hath above

thereof complained against him, and this he is ready to verify; wherefore he prays judgment, &c.

LINDSEY & COPP,
For defendant.

Plaintiffs' replication, defendant's rejoinder or demurrer, and plaintiffs' sur-rejoinder, filed December 9th, 1846, in the words and figures following to wit:

The PRESIDENT and DIRECTORS of the Bank of the State of Albama,
against
ROBERT H. DALTON.

District court of the United States, at December term, 1846.

And the said plaintiff, for replication to the pleas of the said defendant by him first above pleaded, say precludi non, because he says that the said defendant, at and from the time of the rendition of the judgment in said plea and declaration mentioned, and from thence until and within two years next before the commencement of this suit, to wit, on the tenth day of November, A. D. 1846, to wit, at the district aforesaid, was and continued to be a citizen of the State of Alabama, where the said plaintiff resided, without the jurisdiction of this court; and this they pray may be inquired of by the country, &c.

DAVIS, ACKER & GOODWIN.

PRESIDENT and DIRECTORS of Bank of Alabama,
vs.
R. H. DALTON.

And the said defendant saith, that the replication of the said plaintiff to the said pleas of the said defendant, and the matters therein contained, in manner and form as the same are above pleaded and set forth, are not sufficient in law for the said plaintiff to have or maintain his aforesaid action thereof against the said defendant, and that he, the said defendant, is not bound by law to answer the same, and this the said defendant is ready to verify; wherefore, by reason of the insufficiency of the said replication in this behalf, the said defendant prays judgment if the said plaintiff ought to have or maintain his aforesaid action thereof against him, &c. And the said defendant, according to the form of the statute in such case made and provided, states, and shows to the court here, the following causes of demurrer in law to the said replication; that is to say, that the said replication alleges that the said defendant, at and from the time of the rendition of said judgment in said plea and declaration mentioned, and from thence and until two years next before the commencement of this suit, to wit, on the 10th day of November, 1846, at, to wit, at the district aforesaid, was, and continued to be, a citizen of the State of Alabama, and resided without the jurisdiction of this court; and also, for that the said replication is in other respects uncertain, informal, and insufficient, &c.

LINDSEY & COPP,
For defendant.

2351.

And the said plaintiffs say that the said replication, and the matters therein contained, in manner and form as the same are stated and set forth, are sufficient in law for them, the said plaintiffs, to have and maintain their aforesaid action thereof against the said defendant, and the said plaintiffs are ready to verify and prove the same, as the court here shall direct and award; wherefore, inasmuch as the said defendant hath not answered the said replication, nor hitherto in any manner denied the same, the said plaintiffs pray judgment, &c.

DAVIS, ACKER & GOODWIN,
Attorney for plaintiffs.

Afterwards, to wit, on the 10th day of December, being a day of the December term, 1846, of said court, the following proceedings were had in the foregoing cause, to wit:

Thursday, December the 11th, 1846.

THE BANK OF THE STATE OF ALABAMA, vs. ROBERT H. DALTON. } 584.

This day came the parties, by their attorneys, and thereupon came on to be heard defendant's demurrer to plaintiffs' replication; and, after argument, it is considered by the court that the same be sustained, and that defendant go hence, and recover of said plaintiffs the costs which have accrued in this behalf.

Appeal bond, filed December 11th, 1846, in the words and figures following, to wit:

Know all men by these presents, that we, William Cooper, F. S. Lyon, C. C. Clay, trustees and commissioners for the President and Directors of the Bank of the State of Alabama, and Fleming Hodges, are held and firmly bound unto Robert H. Dalton in the just and full sum of five hundred dollars; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this, the 11th, day of December, 1846.

The condition of the above obligation is such, that whereas, at a term of the district court of the United States for the northern district of Mississippi, began and held at the town of Pontotoc in said district, on the first Monday of December, 1846, in a suit pending between the President and Directors of the Bank of the State of Alabama, plaintiff, and the said Robert H. Dalton, defendant, judgment was rendered by said court in favor of said Robert H. Dalton that he go hence without day, and recover of said plaintiff the cost in and about this behalf expended, and the said plaintiff, President and Directors of the Bank of the State of Alabama, as aforesaid, have sued out their certain writ of error, returnable to the Supreme Court of the United States at the December term thereof, 1847, to reverse said judgment.

Now, if the said President and Directors of the Bank of the State of Alabama shall prosecute their said writ of error to effect, and shall well

and truly pay and satisfy the amount of all costs and damages which said Supreme Court of the United States shall adjudge in the premises, in the event the said President and Directors of the Bank of the State of Alabama shall fail to make good their plea, then, and in that case, this obligation to be void, otherwise to remain in full force and virtue.

WM. COOPER, [L. S.]
F. S. LYON, [L. S.]
C. C. CLAY, [L. S.]
Trustees and com's of said bank.
By JOHN GOODWIN, *Att'y.*
FLEMING HODGES, [L. S.]
By J. GOODWIN, *Agent and att'y.*

I approve the above bond and security, this 11th December, 1846.

S. J. GHOLSON.
Judge U. S. D. C. for dist. Miss.

UNITED STATES OF AMERICA,
Northern district of Mississippi:

I, G. M. Ragsdale, clerk of the district court of the United States for the northern district of Mississippi, certify that the foregoing pages, numbered from one to thirteen, inclusive, contain a full, true, and complete transcript of the record and proceedings in the aforesaid cause in said district court, as the same appears of record and on file in my office.

I further certify, that the writ of error and citation herewith filed are the originals, true copies of which remain on file.

In witness whereof I have hereunto set my hand, and affixed the [L. S.] seal of said court, at office in Pontotoc, this, the 12th, day of August, A. D. 1847.

G. M. RAGSDALE, *Clerk.*

The PRESIDENT and DIRECTORS of the Bank of Alabama,
vs.
ROBERT H. DALTON.

And the said plaintiffs, by attorney, come, and for cause of error in the record and proceedings in the district court of the United States for the northern district of Mississippi, assign the following, to wit:

1. The said district court erred in sustaining the defendant's demurrer to the plaintiffs' replication to the first plea of the defendant.

2. The said district court erred in not giving judgment for the plaintiffs upon said demurrer.

3. For these, and other errors apparent upon the face of the record, the plaintiffs pray that said judgment may be reversed.

R. DAVIS,
Attorney for plaintiffs.

And in this the defendant says there is no error.

S. ADAMS, *Pro def't.*

It is agreed that this record may be filed, and cause continued for argument at the December term, 1848, of the Supreme Court of the United States.

1 December, 1847. S. ADAMS, *For defendant.*
R. DAVIS, *For plaintiff.*

UNITED STATES OF AMERICA, *ss:*

The President of the United States, to the judge of the district court of the United States for the northern [district] of Mississippi, greeting:

Because, in the record and proceedings, as also in the rendition of a judgment in a plea which is in the said district court before you, between the President and Directors of the Bank of the State of Alabama and Robert H. Dalton, a manifest error hath happened, to the great damage of the said President and Directors of the Bank of the State of Alabama, as by their complaint appears; and we being willing that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, that if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the first Monday of December next, in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein, to correct that error, which of right, and according to law and custom of the United States, should be done.

Witness the honorable Roger B. Taney, chief justice of said Supreme Court of the United States, the first Monday of Decem-
[L. S.] ber, in the year of our Lord one thousand eight hundred and forty-six, and seventy-first year of the independence of the United States.

Issued the 11th day of December, A. D. 1846.

G. M. RAGSDALE,
Clerk of the district court of the U. S. for the northern district of Mississippi.

UNITED STATES OF AMERICA,
Northern district of Mississippi, ss:

To Robert H. Dalton, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be held at Washington on the first Monday of December next, pursuant to a writ of error filed in the clerk's office of the district court of the United States for the northern district of Mississippi, wherein the President and Directors of the Bank of the State of Alabama are plaintiffs, and you are defendant in error, to show cause, if any there be, why the judgment in said writ of error mentioned should not be corrected, and speedy justice done to the parties in that behalf.

Witness honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, this 12th day of August, A. D. 1847, and seventy-second year of the independence of the United States.

S. J. GHOLSON.

Came to hand 27th August, 1847, and executed on Matthew W. Lindsey, attorney of record for defendant in error.

A. A. KINCANNON, *Marshal*.
By E. W. ROOTE, *D. M.*

Ext'g ent. and ret'g	$2 50
Copy - -	50
Mileage - -	2 50
	$5 50

Filed 5th January, 1848.